



NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

STAFF REPORT

BOARD OF ADJUSTMENT

HEARING DATE: July 8, 2015

CASE NO: 15-16

ACTION: Use Permit

APPLICANT/OWNER: Vicki L. Hanan & Keith Ward

PARCEL INFORMATION:

Address: 4652 SR 260 Hwy – Clay Springs, AZ 85923

APN: **208-14-021**

Legal Desc: A portion of Section 15, Township 11 North, Range 19 East, of the Gila and Salt River Meridian, in the Clay Springs area.

District: IV

Parcel Size: 3.83 Acres

STATED REASON FOR REQUEST: The applicants are in the process of selling the parcel, and discovered that the living area in the shop was issued a building permit in 1985, without going through the Board of Adjustment. Since the County issued the building permit with the living area clearly shown on the permit, the Use Permit today will correct the oversight in 1985, and grant the use of a guest house that existed before the primary residence was built. The two septic systems existing on the property were designed and installed with the proper capacity and location for each dwelling.

BACKGROUND & DISCUSSION: The A-General District allows for guest quarters subject to the approval of a Use Permit through the Board of Adjustment.

As the proposed Use Permit is allowed, subject to meeting the requirements of the Zoning Ordinance and other applicable regulations (as stipulated below), staff has not received any public or other objections. There was one phone call in support of the Use Permit. Staff supports granting the Use Permit.

NAVAJO COUNTY ORDINANCES, PLANS, & REGULATIONS:

ZONING DISTRICTS:

A-General: The main purpose of this A-General Zone is to provide for all the unincorporated area of the County, except land within the boundary of a reservation and outside the authority of Navajo County not otherwise designated for some other specific zone, to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. Other uses may be permitted as Special Uses under Article 20. Guest houses and quarters for servants and caretakers employed on the premises, providing that the lot be a minimum of ten thousand square feet, (10,000 sq.ft.) in area, that all buildings meet all building setbacks, that the guest house or servants and caretakers quarters be no greater than seventy-percent (70%) of the square footage of the principal dwelling and subject to securing a Use Permit from the Board of Adjustment.

ZONING ORDINANCE:

- Article 28 / Section 2802.3: Board of Adjustment / Powers and Duties

3. *Use Permits. The board may grant use permits as permitted by the regulations applicable to the zoning district in which the property is located. No use permit shall be granted unless the board finds that the use and the manner of conducting it (including any associated buildings or structures) will be consistent with the intent and purposes of the Zoning Ordinance and will not be detrimental to persons residing or working in the vicinity, to adjacent property or the neighborhood in general, or to the public welfare. In granting a use permit, appropriate conditions to preserve the intent and purposes of the Zoning Ordinance may be prescribed (including, without limitation, the acquisition of right-of-way for street widening purposes in accordance with the recommendations of the Public Works Department if it appears that the use would increase traffic congestion). Unless otherwise stated on the permit, a use permit shall be permanent and shall run with the land.*

GENERAL CHARACTER OF AREA: This parcel is located in a residential area of summer cabins, Rim Crest RV Park and populated single-family residential homes.

REVIEWING AGENCY COMMENTS:

ENGINEERING:

Engineering Staff has no objection to the proposed Use Permit given that the recommendations made by the Staff are met.

Initial: W.R.B.

FLOOD CONTROL:

The Flood Control staff has reviewed the application for a Use Permit on the subject parcel. A review of the FEMA floodplain map shows that this property is not in a floodplain. The Flood Control Staff has no objection to the proposed Use Permit.

Initial: R.P.

COUNTY ATTORNEY:

The County Attorney has no issues as long as the property is not used to generate income or used as a rental unit. The applicant must obey all local, State and Federal laws and regulations.

Initial: BSC

IN SUMMARY:

The Planning & Zoning staff has reviewed the Use Permit request and determined it is ready for Board action.

Initial: P.S.

PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Board grant this request for a Use Permit, staff recommends the following conditions be applied:

1. The use of the guest quarters shall comply with all Navajo County, State, Federal regulations and all applicable provisions of the Navajo County Zoning Ordinance.
2. While two dwellings exist on the property, neither one of them shall ever be rented.

RESOLUTION NO. 15-02B

A RESOLUTION OF THE NAVAJO COUNTY BOARD OF ADJUSTMENT, APPROVING A USE PERMIT

WHEREAS, the Navajo County Board of Adjustment is authorized by Section 2802(3) of the Navajo County Zoning Ordinance to grant Use Permits upon the terms and conditions set forth therein; and

WHEREAS, at a duly noticed public hearing held this date the Board of Adjustment determined that the following Use Permit should be approved subject to the conditions set forth herein:

OWNER:	VICKI L. HANAN & KEITH E WARD
PARCEL:	NAVAJO COUNTY ASSESSOR'S PARCEL NO. 208-14-021 IN SECTION 15, TOWNSHIP 11 NORTH, RANGE 19 EAST, G&SRM, NAVAJO COUNTY, IN THE CLAY SPRINGS AREA.
LEGAL DESCRIPTION:	SEE SPECIAL WARRANTY DEED RECORDED IN THE OFFICE OF THE NAVAJO COUNTY RECORDER AT FEE NO. 82 05289 RECORDED 05-05-1982.
APPROVED USE:	EXISTING PRIMARY DWELLING IN ADDITION TO PERMANENT GUEST QUARTERS.

NOW, THEREFORE, BE IT RESOLVED by the Navajo County Board of Adjustment that a Use Permit for the above-described use on the subject parcel is hereby **APPROVED** subject to the following conditions:

1. The use of the guest quarters shall comply with all Navajo County, State, Federal regulations and all applicable provisions of the Navajo County Zoning Ordinance.
2. While two dwellings exist on the property, neither one of them shall ever be rented, or generate income.

The Secretary shall transmit this Resolution to the Navajo County Recorder's Office for recordation.

PASSED AND ADOPTED by the Navajo County Board of Adjustment on _____,
with a vote of ____ yeas, ____ nays.

Chairman, Bill Arendell
Navajo County Board of Adjustment

ATTEST:

Secretary

NAVAJO COUNTY PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive
Holbrook, Arizona 86025
(928) 524-4100 FAX (928) 524-4399

APPLICATION
USE PERMIT

OWNER INFORMATION:

OWNER'S NAME: WARD FAMILY TRUST, VICKI L. HANAN & KEITH E. WARD TRUSTEE
AGENT/POINT OF CONTACT: VICKI HANAN (DAUGHTER) (SON)
CONTACT PHONE NO.: 970 376-2794 FAX NO.: 970 524-9304
MAILING ADDRESS: PO BOX 1177
CITY: Gypsum STATE: CO ZIP CODE: 81637

SUBJECT PARCEL INFORMATION:

LEGAL DESCRIPTION: T 11 N-R 19 E, SECTION 15, ASSESSOR PARCEL NO.: 208-14-021
SUBDIVISION NAME: CLAY SPRINGS UNSUBDIVIDED LOT: N/A
RURAL ADDRESS: 4652 SR 260 HWY AREA: 1015
PARCEL SIZE: 3.83 DATE OF OWNERSHIP: 12/11/2014
PRESENT USE OF PROPERTY: SINGLE FAMILY DWELLING
PROPOSED USE: GUEST HOUSE USE PERMIT
GENERAL DIRECTION TO PARCEL: 4652 HWY 260, NEXT TO SECOND SAWMILL RD ENTRANCE WHEN COMING FROM SAWMILL

CURRENT ZONING: (Please check appropriate Zoning Classification)

☒ A-Gen ☐ RU-20 ☐ RU-10 ☐ RU-5 ☐ RU-1 ☐ R1-43 ☐ R1-10
☐ R-2 ☐ R-3 ☐ C-R ☐ I-1 ☐ I-2 ☐ Special Development

OWNER'S AFFIDAVIT:

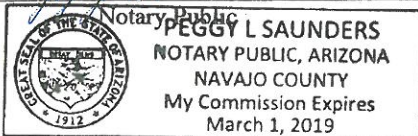
I, (print name) VICKI HANAN, being duly sworn, depose and say that I am an owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

Vicki L. Hanan
Owner's Signature

STATE OF ARIZONA)
COUNTY OF Navajo) SS

Sworn and subscribed before me on this 18th Day of May, 2015

Peggy L. Saunders



March 1, 2019
My Commission Expires

May 13, 2015

To Whom It May Concern:

My parents James H. and Dorothy M. Ward both passed away in December 2014. My brother and I are the trustees of their estate and wish to sell the property. We both live out of state.

It came to our attention after remodeling the guest house that it is not permitted. We would like to make that right.

We are applying for a use permit to allow that to be used as a guest house. The guest house is on a 4 acre piece of property and is attached to a workshop. They also own an adjacent 2 acre parcel. They have only one neighbor.

I believe this guest house is compatible to the area and unobtrusive and allows for a family to have an occasional guest.

I am hoping that you can help us correct this situation. Thank you for your consideration and assistance. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Vicki L. Hanan".

Vicki L. Hanan

970 376-2794

PO Box 1177

Gypsum, CO 81637

Use fill in the information within black line. Please Print



PERMIT
APP. FOR
☒ NEW CONST.
☐ ADD'N
☐ ELECTR.
☐ REPAIR
☐ MOVE
☐ DEMOLITION
☐ SOLAR
☐ GRADING
☐ PLUMB'G

B ADDRESS:

GAL DESCRIPTION: (if Necessary Put Map On Back)

NEAREST INTERSECTION:

WORK TO BE DONE: (Addn'l info on back)

UTILITY INFO: LIST SOURCE OF
WATER
SEWER
ELEC.
GAS

NO. OF BLDGS.: PROPOSED USE:

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this application and that all information is correct. I further certify that I have read, understand and will comply with all of the provisions outlined herein.
DATE
SIGNATURE

EG. SERVICE DATA
Volts
Excavation cu.yd.
Envelope
Collectors
Storage
Tanks
Rocks
Flood Plain
Waiver

PARCEL NO.
Flood Plain
Waiver

Y.D. R. Y.D. ST YD S2 YD FRONT PARKING

Actual Setbacks:

APPROVED BY
CHKD. BY/DATE:

OCCUP. FUR. L. LGTH. WDT. HGT. TYPE CONST.
FUR. TOT. AREA DWLG AREA GAR. AREA ACC. AREA NO. RMS. NO. BDRMS. NO. BATHS
HOOF/G. EXT. WALL COV. SPRINKLERS/OCC. LOAD VALUATION

EC. INSP. APPROVED BY: CHKD. BY DATE

WHITE-FILE PINK-APPLICANT YELLOW-INSPECTOR HARD COPY-JOB CARD

WHEN APPROVED BY ZONING AND PLAN REVIEW, VALIDATION IN THIS SPACE CONSTITUTES PERMIT.

PROVISIONS: The issuance of this permit shall not be construed to release the owner or owner's agents from the obligation to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction. This permit becomes null and void if the construction work authorized is not begun within 180 days from date of issue or if at any time prior to final inspection and approval the work is suspended or abandoned for a period of 1 year.

RECEIPT

Date March 19 1985 2712

Received From James V. Wicks

Address 11918 1/2 Road, Springfield, Mo. - New West game & rd. Co. Wagon

Notes from Release Log/10000 Dollars \$64.50

For Relay Permit. 2729

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH \$	
AMT. PAID		CHECK \$	
BALANCE DUE		MONEY ORDER	

By V. Wicks

ARIZONA HIGHWAY 260
MILE POST 322 1/2

JAMES H AND DOROTHY M WARD
NE QUARTER OF NW QUARTER OF
NW QUARTER OF SECTION 15,
TOWNSHIP 11 NORTH RANGE 19 EAST
ARIZONA HIGHWAY 260 MILE POST 322 1/2
CLAY SPRINGS R.O. BOX 427 ZIP 85903
PARCEL 10 # 208-14-021 9

DRIVEWAY

6362' ELEVATION

53.7'

142'

10'

49'

206'

480' LIVING ROOM SHOP 26x40 BATH

SEPTIC TANK

103' LEACH LINE

110'

65'

6352' ELEVATION

130' PINE YARD 30' AROUND HOUSE 15' PINE

93' GARAGE 26x24

SEPTIC TANK

85' LARGEST PINE TREE 6359' ELEVATION

51'

82'

LEACH LINE 140'

405'10"

PROPOSED HOUSE + GARAGE

HOUSE 26x60

215'

151343 SQ. FT
3.48 ACRES

6361' ELEVATION

ACCESS TO SEPTIC TANK 14' FROM BUILDING - STEEL LID ON SURFACE - ACCESS TO TANK PLUG PUMPED 7/23/14

120'

40' SCALE

N

SCALE

